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Attorneys for Plaintiff,
SPEEDTRACK, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SPEEDTRACK, INC., Plaintiff, vs. AMAZON.COM, INC.; COSTCO WHOLESALE CORPORATION; 1-800-FLOWERS.COM, INC.; BARNESANDNOBLE.COM, LLC; BARNESANDNOBLE.COM, INC.; THE HOME DEPOT, INC.; NIKE, INC.; NORTHERN TOOL & EQUIPMENT CATALOG CO., INC.; J & R ELECTRONICS, INC.; DELL, INC.; BEST BUY CO.; BEST BUY.COM, LLC; SYSTEMAX, INC.; OFFICEMAX, INC.; MACY'S, INC.; MACYS.COM, INC.; OVERSTOCK.COM, INC.; RECREATIONAL EQUIPMENT, INC.; VALUE VISION INTERNATIONAL, INC., DBA SHOPNBC.COM; B &H FOTO & ELECTRONICS CORP.; HEWLETT-PACKARD COMPANY; REDCATS USA, INC.; RETAIL CONVERGENCE, INC., DBA SMARTBARGAINS.COM, Defendants.	Case No.C-09-4479 JSW **JOINT STATUS REPORT** DATE: n/a TIME: n/a CTRM: 11, 19th Floor JUDGE: Hon. Jeffrey S. White

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
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Pursuant to the June 16, 2010 Order Requiring Status Report (D.I. No. 89), the parties hereby provide the Court with the current status of the pending reexamination of SpeedTrack's U.S. Patent No. 5,544,360 (the "'360 patent") and of the case of *SpeedTrack, Inc. v. Wal-Mart Stores, Inc. et.al.*, Case No. 06-CV-07336-PJH (the "Wal-Mart Action").

Both the reexamination of the '360 patent and the Wal-Mart Action are still currently pending, as discussed below.

Endeca Technologies, Inc. ("Endeca") filed an *ex parte* Request for Reexamination on October 24, 2008, based on eight references and sought reexamination of all of the claims asserted by SpeedTrack in the litigation, i.e., claims 1-4, 7, 11-14, 20 and 21 of the '360 patent. The United States Patent and Trademark Office ("PTO") granted Endeca's Request for Reexamination on January 12, 2009.

On December 10, 2009, the PTO issued its first non-final Office Action. The PTO Office Action confirmed the validity of claim 14 of the '360 patent, which is asserted in the pending litigation against some of the Defendants, but also rejected all of the remaining asserted claims 1-4, 7, 11-13, 20 and 21 of the '360 patent.

On February 24, 2010, SpeedTrack filed with the PTO a written response to the Office Action. The next action is for the PTO to issue a response to SpeedTrack's written response, but the PTO has not yet issued its response.

As the reexamination is still pending, the Wal-Mart Action continues to be stayed at this time.

In accordance with the Court's Order, the parties shall provide the Court with another joint status report on the status of the pending reexamination and the Wal-Mart Action in 120 days, by November 1, 2010.

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DATED: July 2, 2010

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DATED: July 2, 2010

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*Despite several attempts, was not able to reach for approval.

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